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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,975	01/05/2001	Leonid Raiz	12116-002001	4739

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EXAMINER

SONG, HOSUK

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,975

Applicant(s)

RAIZ ET AL.

Examiner

Hosuk Song

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-40, 42 and 43 is/are rejected.
- 7) ☒ Claim(s) 19 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2,4-7,11,13,16,18,20,23-27,29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Dolphin(US 5,703,951).

Claim 1: Dolphin disclose distributing authorization keys from a subscription server to computers on which copies of an application program are to be run in (fig.1 and col.6,lines 54-58). Dolphin discloses each of the authorization keys being associated with a validity period during which the authorization key will be valid in (fig.4,9). Dolphin disclose at intermittent times that may be as infrequent as the times when the validity period ends,distributing new authorization keys to each of the computers in (fig.9 and col.8,lines 8-24). Dolphin discloses the keys being distributed electronically in a manner that is transparent to users of the computers in (fig.1,8).

Claim 2: Dolphin discloses new authorization keys are distributed in exchange for money in (col.8,lines 8-12).

Claim 4: Dolphin discloses authorization key carries information about the validity period in (fig.4).

Claim 5: Dolphin disclose new authorization keys are distributed by communication between the subscription server and each of the computers using a standard communication protocol on a publicly accessible communication network in (col.4,lines 48-67 and fig.1,2).

Claim 6: Dolphin discloses validity period comprises a normal calendar period in (fig.16 and col.5,lines 47-50).

Claim 7: Dolphin discloses validity period comprises a month in (col.5,lines 47-50).

Claim 11: Dolphin discloses authorization key carries information about features of the application program that is enabled by the key in (fig.8,10).

Claim 13: Dolphin discloses application program is distributed on a portable medium type or by a software download via the Internet in (fig.1,2).

Claim 16: Dolphin discloses authorization keys are distributed in response to instructions given by a user interactively using a standard TCP/IP communication to the subscription server in (fig.11,14).

Claim 18: Dolphin disclose application program may be used for a period as long as the validity period as long as the validity period while the computer on which it is running out of communication with the subscription server in (fig.14,16).

Claim 20: Dolphin discloses authorization keys are stored on the user computers in (col.6,lines 54-55).

Claim 23: Dolphin discloses user self-subscribes to the use of the application program without help of another person in (fig.1 and col.2,lines 53-61).

Claim 24: Dolphin discloses subscription server comprises an Internet server using a standard TCP/IP protocol in (fig.11).

Claim 25: Dolphin discloses application program may be run in at least two different modes of use in (col.5,lines 47-49).

Claim 26: Dolphin discloses one of the modes does not require an authorization key in (col.5,lines 47-49).

Claim 27: Dolphins disclose at least one of the modes requires an authorization key in (col.6,lines 11-16).

Claim 29: Dolphin discloses one of the modes comprises a subscription mode in (col.5,lines 21-25).

Claim 30: Dolphin discloses one of the modes comprises full use of the application program and the authorization key is distributed in exchange for a payment in (col.8,lines 8-16).

Claim 31: Dolphin discloses at least one of the modes is defined by a selection of available features of the application program in (col.4,lines 42-54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3,10,12,14-15,17,21-22,28,32-40,42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolphin(US 5,703,951).

Claims 3,17: Dolphin does not specifically disclose new authorization key is distributed automatically when an existing authorization key has reached the end of its validity period. Official notice is taken that distribution of new authorization key when an existing authorization key has reached the end of its validity period is well known in the art. One of ordinary skill in the art would have been motivated to employ automatic key distribution in order to continuously provide service to the subscriber without service interruption thus providing convenient and user friendly environment to the subscriber.

Claims 10,12,14,15,21: Dolphin does not specifically disclose authorization key carries information about the identity of a computer on which use of the application computer is authorized. Official notice is taken that key information carrying identity of a computer is well known in the art. One of ordinary skill in the art would have been motivated to employ key information with specific computer id in order to deter hacker from using a program using a stolen key. Stolen key is useless unless it is employed in specific device according to key information thus enhancing security of its system.

Claim 22: Dolphin does not specifically disclose authorization key is encrypted. Official notice is taken that encrypting authorization key is well known in the art. One of ordinary skill in the art would have been motivated to encrypt authorization key because it adds another layer of protection against key hackers trying to defeat the system.

Claim 28: Dolphin does not specifically disclose demonstration mode in which some features of the application program are disabled. Official notice is taken that demonstration mode is well known in the art. One of ordinary skill in the art would have been motivated to employ demonstration mode in order to attract customer to purchase full version of software.

Claims 32,43: Dolphin discloses distributing without charge,copies of an application program online or on storage media in (fig.1). Dolphin disclose enabling a user of one of he computers to choose among modes in which he wishes to run the application program in (col.4,lines 39-46). Dolphin disclose in at least one of the chosen modes,enabling the user to run the application program without requiring the user to provide information about the user in (col.4,lines 42-46). Dolphin does not specifically disclose authorization key that is associated with a unique identifier of the computer on which the application program is to run. Official notice is taken that key information carrying identity of a computer is well known in the art. One of ordinary skill in the art would have been motivated to employ key information with specific

computer id in order to deter hacker from using a program using a stolen key. Stolen key is useless unless it is employed in specific device according to key information thus enhancing security of its system.

Dolphin disclose authorization key having a limited validity period in (fig.4).

Claim 33: Dolphin does not specifically disclose demonstration mode in which some features of the application program are disabled. Official notice is taken that demonstration mode is well known in the art. One of ordinary skill in the art would have been motivated to employ demonstration mode in order to attract customer to purchase full version of software.

Claim 34: Dolphin discloses trial mode comprises a trial mode that requires information but no payment in (col.5,lines 47-56).

Claims 35-37: Dolphin one mode comprises a subscription mode that requires information and payment in (col.8,lines 6-18).

Claims 38: Dolphin discloses application program is distributed on a portable medium or by a software download through the Internet in (fig.1).

Claim 39 Dolphin disclose authorization keys are distributed in response to instructions given by a user interactively using a standard TCP/IP communication to the subscription server in (fig.11,14).

Claim 40: Dolphin disclose application program may be used for a period as long as the validity period as long as the validity period while the computer on which it is running out of communication with the subscription server in (fig.14,16).

Claim 42:Dolphin disclose authorization keys are stored on the user computers in (col.6,lines 54-55).

3. Claim 8,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolphin(US 5,703,951) in view of Brandt et al.(US 5,758,068).

Claims 8-9: Dolphin does not specifically disclose when a validity period lapses, automatically providing a grace period based on information contained in the authorization key, the grace period permitting continued running of the application program. Brandt's patent discloses this limitation in (col.2,lines 16-19;col.3,lines 26-28). It would have been obvious to person of ordinary skill in the art at the time invention was made to provide grace period when a validity period lapses as taught in Brandt with data access control system disclosed in Dolphin in order to continuously provide service to the subscriber without service interruption thus providing convenient and user friendly environment to the subscriber.

Allowable Subject Matter

4. Claims 19,41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 703-305-0042. The examiner can normally be reached on Tue-Fri from 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**** Please note of following changes starting 10/25/2004**.**

- a) New telephone number for TC 2100 receptionist is 571-272-2100.
- b) New contact number for Examiner is 571-272-3857
- c) New contact number for Examiner's supervisor is 571-272-3859.

HS

Handwritten signature
AU 2135